



this Court no later than 150 days from the date of that filing, which was to be on or around July 2, 2018.

In continuing to facilitate the completion of all tasks required to fulfill obligations related to the Settlement Agreement and Settlement Fund, Settlement Class Counsel has incurred additional expenses since the submission of its Fee Motion, and it requests reimbursement for those expenses out of the Settlement Fund prior to the second and final distribution of the remainder of the Settlement Fund. In a class action, the law is clear that it is appropriate for a court to reimburse plaintiffs' counsel for expenses incurred for the benefit of the class from a class settlement fund. *See In re Xcel Energy, Inc., Securities, Derivative & "ERISA" Litigation*, 364 F.Supp.2d 980, 999–1000 (D.Minn. 2005). Appropriate expenses include photocopying, postage, messenger services, document depository, telephone and facsimile charges, filing and witness fees, computer-assisted legal research, expert fees and consultants, and meal, hotel, and transportation charges for out-of-town travel. *See Id.* The Declaration of John J. Driscoll, submitted herewith, sets forth expenses billed and/or paid by counsel after the Fee Motion was submitted, totaling \$12,185.39. Exhibit 1, at ¶¶9-10. Each of these expenses were incurred for the benefit of the Class and fall within the categories outlined by the court in *In re Xcel Energy*, *supra*. *See Id.* at ¶16. More specifically, the expenses primarily pertain to travel expenses incurred and mediator fees billed and paid after the Fee Motion was submitted. As such, Settlement Class Counsel respectfully requests that these expenses be reimbursed from the class settlement fund prior to the final *cy pres* distribution.

Defendants do not oppose this Motion for Approval of Additional Expenses.

WHEREFORE Plaintiffs and Class Settlement Counsel respectfully request that the Court enter its Order awarding counsel an additional \$12,185.39 in costs and expenses from the Settlement Fund within 7 days of any Order granting the same.

Date: June 18, 2018

Respectfully Submitted,

THE DRISCOLL FIRM, P.C.

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*Plaintiffs' Class Settlement Counsel*

### **CERTIFICATE OF SERVICE**

I hereby certify that on June 18, 2017, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon all parties.

/s/ John J. Driscoll